

cc: counsel: BTK

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MAY 12 2003

BY CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY

Hon. Barbara J Rothstein

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AT SEATTLE  
BY CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE PHENYLPROPANOLAMINE (PPA)  
PRODUCTS LIABILITY LITIGATION

MDL Docket No 1407

ORDER CLARIFYING APRIL 21, 2003  
ORDER GRANTING DELACO'S  
MOTION FOR 90 DAY STAY IN  
CERTAIN CASES

This Court previously entered an Order on April 21, 2003 granting a motion brought by The Delaco Company, successor by merger to Thompson Medical Company, Inc ("Delaco"), for a 90 day stay in certain cases ("Stay Order") that were subject to a Rehabilitation Order entered in the Superior Court of New Hampshire as to one of Delaco's insurers, The Home Insurance Company ("Home") The Stay Order, as entered, applies to cases subject to or potentially subject to the Rehabilitation Order

Defendant Chattem, Inc ("Chattem") filed a Motion to Clarify the Stay Order requesting that discovery proceed in accordance with this Court's CMOs until such time as a plaintiff identifies a product covered by and alleges a date of injury or ingestion during the period of Delaco's policy of insurance with Home Chattem argued that the stay should not

ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING  
DELACO'S MOTION FOR 90 DAY STAY IN CERTAIN CASES - 1  
(MDL Docket No 1407)

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1 affect proceedings that apply to all MDL PPA cases, to plaintiffs that have identified products  
2 or dates of injury or ingestion not covered by the Home policy, or to plaintiffs who have failed  
3 to identify enough information for one to determine whether or not Delaco's Home policy  
4 applies

5 For good cause shown, this Court's April 21, 2003, Order Granting Delaco's Motion  
6 for 90 Day Stay in Certain Cases is hereby clarified as follows

7 IT IS HEREBY ORDERED that discovery in accordance with the Case Management  
8 Orders entered in these matters shall proceed as to all plaintiffs until such time that a plaintiff  
9 has identified products covered by and dates of injury or ingestion during the period of  
10 Delaco's policies of insurance with The Home Insurance Company. Once it is determined that  
11 a particular plaintiff's claim is subject to the Rehabilitation Order for Home, that plaintiff's  
12 claim is stayed pursuant to this Court's April 21, 2003 Order Granting Delaco's Motion for 90  
13 Day Stay in Certain Cases. Delaco shall be required to identify for the Court all plaintiffs  
14 presently subject to the Stay Order and, to the extent that information is gathered that  
15 identifies additional plaintiffs' cases that are subject to the Stay, Delaco shall lodge a Stay  
16 Order for those particular cases, which shall be entered by this Court, unless proper objection is  
17 made thereto

18 DATED this 12<sup>th</sup> day of May, 2003

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20   
21 UNITED STATES DISTRICT COURT JUDGE  
22 BARBARA JACOBS ROTHSTEIN  
23  
24  
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1 PRESENTED BY

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10 Attorneys for Defendant Chattem, Inc

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ORDER CLARIFYING APRIL 21, 2003 ORDER GRANTING  
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